

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6761

BILL NUMBER: HB 1181

DATE PREPARED: Dec 15, 1998

BILL AMENDED:

SUBJECT: Aggravating circumstances for murder sentences.

FISCAL ANALYST: Mark Bucherl

PHONE NUMBER: 232-9869

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that when the state seeks a death sentence or a sentence of life imprisonment without parole for murder and alleges that, as an aggravating circumstance, the defendant committed the murder by intentionally killing the victim while committing or attempting to commit a certain crime, the state must prove beyond a reasonable doubt that the defendant: (1) committed the murder by intentionally killing the victim while committing or attempting to commit the crime; and (2) was the principal actor in the commission of the murder or committed the murder with prior calculation and design.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill provides a constraining provision on the aggravating circumstances required when seeking life imprisonment without parole (LIWP) or the death penalty for the crime of murder. This measure may work to decrease the number of LIWP and death penalty outcomes in the future. There are currently 40 persons serving LIWP and 44 persons under the death penalty in Indiana. (Death penalty case appeals may involve expenditures by state entities, including: (1) the Office of Attorney General and (2) the State Public Defender's Office.)

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: Local expenditures may decrease if fewer death penalty cases are filed due to this provision. Research indicates that the trial and appeals costs for death penalty cases can be two to three times more than the current range of \$37,000 and \$90,000 spent to impose prison sentences. (Death penalty case costs are further inflated due to additional police investigation and court time, prosecution resources, or the costs of a lengthy jury trial with a sequestered jury.)

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Planning Division, Department of Correction.